

PD-0787-18

DEMOND FRANKLIN,	§	IN THE COURT OF	FILED
APPELLANT	§		COURT OF CRIMINAL APPEALS
	§		3/5/2019
V.	§	CRIMINAL APPEALS	DEANA WILLIAMSON, CLERK
	§		
THE STATE OF TEXAS,	§		
APPELLEE	§	OF TEXAS	

FIRST MOTION FOR EXTENSION OF TIME TO FILE STATE'S BRIEF

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Counsel for the State of Texas files this Motion asking the Court to extend the time for filing the State's brief in the above cause.

I. Statement of the Case

Appellant was tried for capital murder and sentenced automatically by the court to life in prison without parole. His conviction was affirmed by the Fourth Court of Appeals. *Franklin v. State*, No. 04-17-00139-CR (Tex.App.—San Antonio 2018, pet. granted)(mem. opinion) This Court granted Appellant's petition for discretionary review on December 12, 2018, and Appellant filed his brief on January 29, 2019, and an amended brief on February 4, 2019. This Court issued notice the State's brief was due February 28, 2019. This is the State's first extension request.

## II. Reasons for Extension

This extension is not sought for the purposes of delaying this appeal, but for the following reasons: I was unaware of the granting of Appellant's petition for discretionary review. I can find no email or written notice informing me of that event. Possibly I just missed seeing it. In any event, I thought the amended pleading Appellant filed was an amended petition for discretionary review. I was not aware of the deadline.

I am scheduled to be one of the trial prosecutors in the retrial of *Vanessa Cameron v. State*, a case this Court heard twice before the Fourth Court of Appeals ultimately reversed it. That trial will last at least a week.

Counsel for the State prays the Court grant an extension of time of sixty days for filing the State's brief.

Respectfully submitted,

Joe D. Gonzales  
Criminal District Attorney  
Bexar County, Texas

\_\_\_\_\_/s/ Jay Brandon\_\_\_\_  
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Certificate of Service

I certify that a copy of this motion was delivered by electronic mail to Dean Diachin, Attorney for Appellant, on March 4, 2019.

\_\_\_\_/s/Jay Brandon\_\_\_\_  
JAY BRANDON